

**FILED**

**APR 08 2016**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

Clerk, U.S. District Court  
District Of Montana  
Missoula

DARRELL DEAN SHARP,

Petitioner,

vs.

STATE OF MONTANA,

Respondents.

Cause No. CV 16-25-GF-DWM-JTJ

ORDER

This case comes before the Court on Petitioner Darrell Sharp's pro se application for writ of habeas corpus asking this Court to "vacate [and] set aside or correct sentence" pursuant to 28 U.S.C. § 2255. (Doc. 1 at 1). Sharp is a state prisoner; he is represented by counsel David Ness in a companion habeas petition filed under 28 U.S.C. § 2254. *See*, CV-13-89-GF-DWM-JTJ.

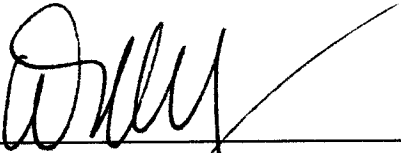
Because Sharp is a state prisoner, there is no possible manner in which he could demonstrate he is "[a] prisoner in custody under sentence of a court established by Act of Congress." *See*, 28 U.S.C. § 2255(a). Thus, this Court lacks jurisdiction over the instant petition.

Based on the foregoing, the Court enters the following:

**ORDER**

Mr. Sharp's petition (Doc. 1) <sup>is</sup> ~~should be~~ DISMISSED for lack of jurisdiction.

DATED this 8<sup>th</sup> day of April, 2016.



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Donald W. Molloy  
United States District Court